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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,043	07/09/2001	Takahiro Yajima	35.C15541	3915
5514	7590	12/16/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MALDONADO, JULIO J	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/900,043

### Applicant(s)

YAJIMA ET AL.

### Examiner

Julio J. Maldonado

### Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's cancellation of claim 3 is acknowledged.
2. Claims 1, 2 and 4-10 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (U.S. 5,942,049) in view of Otani et al. (EP 658198).

Li teaches a method for depositing an amorphous silicon film by plasma CVD in a RF glow-discharge system. The reactive gases disclosed are SiH<sub>4</sub>, H<sub>2</sub> (see Table 7 and 8 for the flow rate of SiH<sub>4</sub> and hydrogen dilution ratio). The deposition pressure P and electrode spacing d are disclosed in Table 7. From Table 8, selecting a value for the flow rate of SiH<sub>4</sub> of 60 sccm (0.06 SLM) within the disclosed range. Accordingly, the flow rate M of 1.12 is 600 sccm (0.6 SLM) when the hydrogen dilution ratio of 10: 1 is selected according to Table 7. From Table 7, selecting a value of 2 torr (approximately 266 Pa) for pressure P and a value of 1cm electrode spacing d. Substitute these values in the equation recited in the pending claim 1 yields:

$$80 (0.6) + 200 \leq 266.1 \leq 160 (0.6) + 333$$

$$248 \leq 266 \leq 429$$

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Thus, with respect to the relation as claimed, Li teaching satisfy the equation claimed in claim 1. Li differs from the claims in not disclosing that the substrate is employed as one electrode in the RF glow-discharge apparatus. However, Otani teaches an RF plasma – CVD reactors with internal electrodes wherein substrate S 1 is mounted on electrode 2 and hence employed as one of electrode opposite to RF electrode 3 (see Fig. 1). Thus, it would have been obvious to one of ordinary skill in the art to mount the substrate in Li's process on one of the electrode in the RF plasma-CVD reactor as suggested by Otani because such practice is conventional in the art, and the application of a known technique to make the same would have been within the level of an artisan. As for claim 2, substituting the values of P; d, and L (total flow rates of SiH<sub>4</sub> and 1-12 = 0.6 SLM + 0.06 SLM = 0.66 SLM) to the equation yields:

$$67 (0.66) + 200 \leq 266 \leq 147 (0.66) + 333$$

$$244 \leq 266 \leq 430$$

Thus, claim 2 is met by Li.

### ***Allowable Subject Matter***

5. Claims 6-10 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 6-10 are allowable over prior art of record because none of prior art teaches or suggests the relation as claimed, which involves volume V of the discharge space.

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***Response to Arguments***

7. Applicant's arguments filed 09/22/2003 have been fully considered but they are not persuasive.

In reference to applicants' arguments regarding the wider ranges and intermediate ranges disclosed in table 7 of Li et al., in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists. See MPEP 2144.05. If applicant wishes to establish unexpected results for the claimed range it must be clearly stated and objective evidence is required.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Papers related to this application may be submitted directly to Art Unit 2823 by facsimile transmission. Papers should be faxed to Art Unit 2823 via the Art Unit 2823

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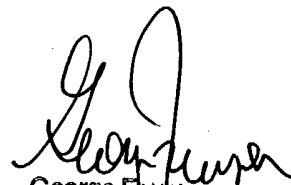
Fax Center located in Crystal Plaza 4, room 3C23. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2823 Fax Center number is **(703) 305-3432**. The Art Unit 2823 Fax Center is to be used only for papers related to Art Unit 2823 applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Julio J. Maldonado** at **(703) 306-0098** and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via [julio.maldonado@uspto.gov](mailto:julio.maldonado@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (703) 306-2794.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 Receptionist** at **(703) 308-0956**.



JMR  
12/15/03



George Fourson  
Primary Examiner